

DRAFT

MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

7 FEBRUARY 2006

The City Council of the City of Greensboro met in regular session at 5:30 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Michael L. Barber, T. Dianne Bellamy-Small, Sandra G. Carmany, Florence F. Gatten, Sandra Anderson Groat, Yvonne J. Johnson, and Thomas M. Phillips. Absent: Councilmember Goldie F. Wells, excused by action of Council. Also present were Mitchell Johnson, City Manager; Linda A. Miles, City Attorney; and Juanita F. Cooper, City Clerk.

The meeting opened with a moment of silence and the Pledge of Allegiance to the Flag led by members of Senior Girl Scout Troop 1052.

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The Manager recognized Brandon Hill, employee in the Engineering and Inspection Department, who served as courier for the meeting.

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The Mayor explained the Council procedure for conduct of the meeting.

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Councilmember Johnson moved to excuse Councilmember Wells from attendance at this meeting. The motion was seconded by Councilmember Bellamy-Small and adopted unanimously by voice vote of Council.

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The following individuals spoke as Speakers from the Floor.

Donald Lindsay, residing at 7705 Landis Drive and Willie Edley, residing at 414 Candlewick Drive, representatives of the Ninth and Tenth (Horse) Calvary Association of "The Buffalo Soldiers", provided historical information about the Buffalo Soldiers and spoke to their contributions and service to our country; they also provided information with regard to the 140th anniversary celebration being held this year in Greensboro. Later in the meeting Gail Fripp, a former city employee and member of the Bicentennial Committee, detailed programs at the Historical Museum that provide information about "The Buffalo Soldiers".

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William M. Sherrill, residing at #4 Franklin Wood Court, stated that recent larcenies had occurred at his residence and expressed concern with what he believed to be lack of police action and protection. The Mayor advised appropriate staff would contact Mr. Sherrill to discuss his concerns.

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Teri McDonald, residing at 1100 Double Oaks, expressed concern with regard to the parking of vehicles on the street at her home (Westridge and Double Oaks Roads) and placing "for sale" signs in the car windows and with what she had been told was the City's inability to take action to have the vehicles moved. After discussion, Council

requested that the City Attorney and Engineering and Inspections Department review the current ordinance and bring back recommendations for Council's consideration that would provide a solution to this problem.

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At the Mayor's request, Councilmember Gatten introduced and read into the minutes a Resolution honoring the memory of the late Stanley Milton Frank. After she and other members of Council offered personal comments about Mr. Frank's contributions to Greensboro and after adoption of the resolution, Councilmember Gatten presented copies of the resolution to Mr. Frank's sons and Henry Isaacson, Chairperson of the Piedmont Triad International Airport Authority. Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Bellamy-Small; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, and Phillips. Noes: None.

15-06 RESOLUTION HONORING THE MEMORY OF THE LATE STANLEY MILTON FRANK

WHEREAS, on January 2, 2006, this community lost one of its outstanding community leaders with the death of the Stanley Milton Frank at the age of 91;

WHEREAS, Mr. Frank, a native of New York City, graduated from Tottenville High School in 1931 and in January, 1935 he moved to Greensboro to work for Carolina By Products, a rendering company;

WHEREAS, at Carolina By Products he became plant manager in May, 1936, bought controlling interest in 1953, and chaired the board until 1988;

WHEREAS, he was active in professional organizations in the rendering business and served as president of the National Renderers Association and Chairman of the Fats and Protein Research Foundation;

WHEREAS, known as a strong advocate for education Stanley served as a trustee of Guilford College where he established the Frank Fellows Scholarship program in 1983 and was honored by the school when the new science building was named the Frank Family Science Center in 2000;

WHEREAS, as a supporter of Wake Forest University, he was awarded the honorary Doctor of Humanities degree in 1981 and served on its Board of Visitors and Comprehensive Cancer Center Board;

WHEREAS, Stanley was inducted into the Sports Hall of Fame in 2000 at the University of North Carolina at Greensboro where he also chaired the Nursing Advisory Board from 1989 until 2005;

WHEREAS, Stanley was always a sports fan and was a founding member of the Greensboro Sports Council, was a founding partner of the original Greensboro Generals, honorary chairman of the Greater Greensboro Open golf tournament in 1968, and was a very active member in the Green Coat Club;

WHEREAS, his fascination with flying and airplanes lead him to become a private pilot as well as serve in the Piedmont Triad Airport Authority for over 30 years, chairing the Authority from 1972 – 1992 while working tirelessly to develop the airport and its services as well as regional economic development;

WHEREAS, the City Council wishes to express its sense of loss and its sincere appreciation and gratitude for the many years of dedicated public service rendered by Stanley Milton Frank, the outstanding contributions he has made to the community, and the legacy he leaves.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby expresses, on behalf of the citizens of Greensboro, a deep sense of loss and a feeling of respect and gratitude for the life of Stanley Milton Frank.
2. That a copy of this resolution shall be delivered to the family of the late Stanley Milton Frank as a symbol of the gratitude of the people of Greensboro for his many contributions to this community.

(Signed) Yvonne J. Johnson

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Mayor Holliday spoke to the ongoing planning process for the City of Greensboro's 200th celebration in 2008, provided details about the 1958 celebration, and expressed appreciation to Stefan-leih Geary of the Housing and Community Development Department for her assistance with this process. After the Mayor recognized the Committee's three co-chairs, Claudette Burroughs-White, Al Lineberry and Elizabeth "Boo" Stauffer, they spoke to the excitement surrounding this project, noted that the process would involve hundreds of volunteer opportunities at various levels, advised a website would be established to provide information to the public and invited interested persons to become involved in the planning process for Greensboro's Bicentennial Celebration.

Mayor Holliday recognized other members of the Bicentennial Commission who were present at the meeting as well as those who were unable to attend; he noted this Committee would lead the planning process for the 2008 celebration. The members of the Bicentennial Committee are: Gail Barger, Jennifer Revels Baxter, Rosalie Brewer, Bill Craft, Isabel "Issy" Davis, Jacqueline Foster, Gayle Fripp, Otis Hairston, Jr., William Hammer, John Harris, Robinson Hassell, Cathy Hinshaw, Anne J. Flora Hurd, James Jarrell, Edward Keohohou, Lee Kinard, Jacquelyn Kpeglo, Cathy Levinson, Allison MacCord, Teresa Miller, Carolyn Moore, Donald Moore, Marsh Prause, Don Saunders, Mary Ann Scarlett, Hal Sieber, and Willie Taylor.

The following specific Committee assignments were also noted: History—Chair Gail Fripp and members Jacquelyn Kpeglo, Teresa Miller and Hal Sieber; Special Events—Co-Chairs Jennifer Revels Baxter and Don Saunders and members Ed Keohohou and Donald Moore; Neighborhood and Community—Co-Chairs, Gail Barber and James Jarrell and members Bill Craft, Isabelle Davis and Marsh Prause; Arts/Cultural—Chair, Willie Taylor and members Otis Hairston and Cathy Hinshaw; Education—Chair Lee Kinard and members Jackie Foster, Carolyn Moore and Mary Ann Scarlett; Publicity and Public Relations—Chair Anne Hurd and member Jackie Foster; Commemoration—Co-chairs Robbie Hassel and Cathy Levinson and members William Hammer and John Harris; Fund Raising—member Rosalee Brewer; and Budget and Finance members William Hammer and Allison MacCord. The Mayor and members of Council expressed appreciation to the members of the Bicentennial Committee for their dedication and hard work on this project.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from Conditional District-RM-5 Residential Multifamily to Conditional District-Limited Business for property located on the east side of Fleming Road between Chance Road and David Christian Place. He noted this matter was being heard on appeal filed by Tom Dukes after receiving a vote of 9 to 0 by the Zoning Commission to recommend approval of the request and stated that this matter was continued from the January 24, 2006 meeting of City Council.

Richard "Dick" Hails, Planning Department Director, reviewed the proposal; presented a context map and photographs to describe the subject property and surrounding area, including the location of the McAlister House; read conditions attached to the zoning request; and stated the Zoning Commission had recommended approval of the rezoning.

Councilmember Gatten noted that this property proposed for rezoning was a portion of a large parcel rezoned in 2003; she stated that at that time Council had the concept of how the property would be used, only to have a portion of the property sold separately that had resulted in the current request to rezone the property. She stated that, in her opinion, Council had no precedent with which to compare this request and was dealing with an exceptional set of circumstances.

Mayor Holliday asked if anyone wished to be heard.

Alan Weidt, residing at 6001 Thistle Trace and owner of the property, spoke in favor of the rezoning and noted the Zoning Commission had recommended in favor of the request. Detailing the surrounding mixed use

development in the area, he stated that he believed the requested zoning would be complimentary to development in the area and spoke to his intent to preserve the McAlister House and trees on the property.

Discussion was held with regard to area development and its proximity to this property and the McAlister House.

Councilmember Phillips stated that an earlier rezoning had required that the McAlister House be retained and preserved; he expressed concern that if the property were rezoned as requested the ordinance contained no language to protect the property from having additional structures added to the property. Stating that he wanted to ensure that if changes were proposed to the property, the request would be required to come back to Council, Councilmember Phillips requested Mr. Weidt to consider adding the following condition to the proposed ordinance: “No additional buildings or structures shall be placed, erected, or constructed on the property, except for an accessory building; a dumpster enclosure; ornamental landscape features such as planters, arbors or trellises; and decorative fencing.”

The City Attorney confirmed that Councilmember Phillips could request the owner to consider adding the condition.

After brief discussion, Mr. Weidt asked the Council to consider adding the following additional condition to the proposed ordinance: “No additional buildings or structures shall be placed, erected, or constructed on the property, except for an accessory storage building with a maximum gross floor area of 300 square feet; a dumpster enclosure; ornamental landscape features such as planters, arbors or trellises; and decorative fencing so long as the McAlister place and trees remain in safe condition.” Councilmember Johnson moved to add the condition as offered by Mr. Weidt. The motion was seconded by Councilmember Barber and adopted by a 5-3 voice vote of Council.

Discussion was held with regard to the amendment offered by Mr. Weidt, his proposed use for the property/house, the potential uses of the property under the current zoning, the historical importance of the McAlister House property, etc.

Tom Dukes, residing at 1902 Haven Road, spoke in opposition to the proposed zoning, provided information with regard to the history of the McAlister Farm and detailed the chronology of events surrounding past rezoning requests for this property, including his opinion that the developer had not complied with the previously-approved zoning conditions. Noting he had a petition signed by area residents in opposition to the proposal, he spoke to the desire to maintain and preserve the Bond-McAlister House as residential, expressed concern with respect to possible future requests for rezoning of the remaining undeveloped property in the area, and offered his expectations of development in the this area. He requested the Council to deny the rezoning and implement more checks and balances on developers.

In rebuttal and after discussion, Mr. Weidt advised he would agree to request that Council add the following amendment suggested earlier in the meeting by Councilmember Phillips to replace the one adopted earlier by Council: “No additional buildings or structures shall be placed, erected or constructed on the property, except for an accessory building with a maximum gross floor area of 300 square feet. Councilmember Phillips moved to amend the ordinance as requested by Mr. Weidt. The motion was seconded by Councilmember Gatten and adopted unanimously by voice vote of Council.

In rebuttal in opposition to the request, Mr. Dukes reiterated his earlier statements and requested Council to deny the rezoning request.

Councilmember Phillips moved to close the public hearing. The motion was seconded by Councilmember Gatten and adopted unanimously by voice vote of Council.

Mr. Hails spoke to the Greensboro Future Land Use Map recommendations for the area, noted the request met the comprehensive plan’s support of historic preservation, and stated that staff recommended approval of the request.

Council discussed whether any preservation had taken place on the McAlister House before Mr. Weidt purchased the property and offered the opinion that more checks and balances should be in place to ensure

adherence by developers/property owners to provisions in adopted ordinances. Some members of Council expressed concerns that the rezoning could provide an opportunity for other zoning uses and that Council rezoned the property to preserve the house only to find out had not been preserved. Noting the historical significance of the McAlister House, Councilmember Gatten stated that the original log structure was included into the 1930 McAlister House, that the building dated to the Revolutionary War and that Cornwallis purportedly spent time in the structure.

The City Attorney advised that if zoning conditions contained in a zoning ordinance were not carried out by the owner, legal proceedings could be initiated to rezone the property to the original zoning.

Councilmember Gatten moved to deny the rezoning request and stated that the Greensboro City Council believes that its action to deny the zoning amendment, located on Fleming Road from CD-RM-5 to CD-LB, to be inconsistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest because 1) the amendment is generally inconsistent with the land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map, Low Residential and 2) Policy 6A.4: implement measures to protect neighborhoods from potential negative impacts from development that are inconsistent with the neighborhood's livability and character. The motion to deny the request was seconded by Councilmember Phillips; the ordinance was **DEFEATED** on the following roll call vote: Ayes: Bellamy-Small, Holliday, Johnson, Gatten and Phillips. Noes: Barber, Carmany, and Groat.

(A copy of the ordinance as introduced and **DEFEATED** and additional information is filed in Exhibit Drawer P, Exhibit Number 20, which is hereby referred to and made a part of these minutes.)

Later in the meeting, Henry Isaacson, attorney for Portrait Homes, former owner of this property advised that after purchasing this property/house, Portrait Homes had spent a significant amount of money on improvements to the house and could verify those expenditures.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits-4.65 acres at 227 Ward Road; an ordinance amending Chapter 30, Zoning Planning and Development, Section 30-1-10, Relation to the Comprehensive Plan, to consider an amendment to the *Connections 2025 Comprehensive Plan* Generalized Future Land Use Map (Figure 4-2) (GFLUM) from the Mixed Use Corporate Park to the Low Residential land use classification for a portion of the property located on the south side of Ward Road east of Sharing Terrace; and an ordinance establishing original zoning from County Zoning Agricultural to City Zoning RS-7 Residential Single Family for property located on the south side of Ward Road east of Sharing Terrace.

Mr. Hails reviewed the proposal, presented a context map and photographs to describe the subject property and surrounding area, noted there were no conditions attached to the proposed zoning ordinance, and stated the Zoning Commission had recommended its adoption.

Mayor Holliday asked if anyone wished to be heard.

No one expressed an interest in speaking in favor of the three items.

Magdelene Marshall, residing at 223 Ward Road adjacent to the property, spoke in opposition to the rezoning request; she expressed concern with regard to the additional traffic that would be generated if the property were rezoned, what she believed to be excessive speed limit on this Road and the lack of notification for the zoning commission meeting. She spoke in favor of a higher quality of housing for the area. In response to her inquiry, Mr. Hails explained the difference in the residential zoning classifications.

Odessa Patrick, residing at 217 Ward Road, spoke in opposition to the rezoning request; she noted the Comprehensive 2025 Plan's recommendation for this area was for mixed corporate park, expressed concern with regard to the density of the proposed rezoning, and reiterated the desire for higher quality housing for the area.

Councilmember Phillips moved to close the public hearing on the three items. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

Mr. Hails explained that the location of this property was on the edge of the large Mixed Use Corporate Park area, stated this was an area in transition, detailed this residential request along the edge of the City that had not changed in many years, and noted the desire to encourage some development in this area which had available water and sewer. He stated that staff believed this residential request would be compatible with the area and recommended approval.

Council discussed various concerns with regard to the rezoning; i.e., the desire to bring businesses to Northeast Greensboro and the reluctance to set a precedent by using site ready property for residential uses, the desire to bring less dense, quality housing to the Northeast on property that would not negatively impact business sites, the desire for the Transportation Department to study and make necessary roadway improvements as changes occur in the area. Noting the residential mode of the area, Councilmember Carmany stated she had no problem with the rezoning.

Councilmember Gatten moved to deny the ordinance annexing territory to the corporate limits (located at 227 Ward Road-4.65 acres). The motion to deny was seconded by Councilmember Bellamy-Small; the ordinance was **DEFEATED** on the following roll call vote: Ayes: Bellamy-Small, Gatten, Groat, Johnson, and Phillips. Noes: Barber, Carmany and Holliday.

(A copy of the ordinance as introduced and **DEFEATED** and additional information is filed in Exhibit Drawer P, Exhibit Number 20, which is hereby referred to and made a part of these minutes.)

Because the annexation ordinance was defeated, the ordinance amending Chapter 30, Zoning Planning and Development, Section 30-1-10, Relation to the Comprehensive Plan, to consider an amendment to the *Connections 2025 Comprehensive Plan* Generalized Future Land Use Map (Figure 4-2) from the Mixed Use Corporate Park to the Low Residential land use classification for a portion of the property located on the south side of Ward Road east of Sharing Terrace; and an ordinance establishing original zoning from County Zoning Agricultural to City Zoning RS-7 Residential Single Family for property located on the south side of Ward Road east of Sharing Terrace did not require Council action and were removed from the agenda.

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The Mayor declared a recess at 7:35 p.m.

The meeting reconvened at 7:55 p.m. with all members present, except Councilmember Wells who was excused earlier in the meeting.

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The Mayor stated that this was the time and place set for a public hearing to consider an Ordinance amending Chapter 30, Zoning Planning and Development, Section 30-1-10, Relation to the Comprehensive Plan, to consider an amendment to the *Connections 2025 Comprehensive Plan* Generalized Future Land Use Map (Figure 4-2) of the property located on the east side of Yanceyville Street between Lees Chapel Road and Kenion Street and an ordinance rezoning from RS-12 Residential Single Family to Conditional District-RM-8 Residential Multifamily for property located on the east side of Yanceyville Street between Lees Chapel Road and Kenion Street.

Mr. Hails reviewed the proposal, presented a context map and photographs to describe the subject property and surrounding area, read the conditions attached to the zoning request and stated that the Zoning Commission had recommended in favor of the rezoning.

Mayor Holliday asked if anyone wished to be heard.

Marc Isaacson, attorney with offices at 101 West Friendly Avenue, spoke in favor of the two items and stated the request was to change the GFLUM from low to moderate residential. For illustrative purposes only, Mr.

Isaacson reviewed information with regard to zoning, mixed uses in the area, examples of mixed style, affordable townhomes the developer wished to build, and a preliminary sketch of the proposed development. He reviewed the conditions contained in the proposed ordinance, spoke to the adequate roadway system in place, and stated that, in his opinion, this would be an efficient use of the property and was compatible with this transition area. Mr. Isaacson stated that neighborhood concerns had been resolved and that he believed the development would benefit the neighborhood.

No one spoke in opposition to the comprehensive plan amendment and the rezoning request.

Councilmember Bellamy-Small moved to close the public hearing. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

Mr. Hails stated that this was not a major zoning change and met the Comprehensive Plan's goals for infill development and diverse uses; he stated that with the conditions contained in the proposed ordinance and the available city services, the request fit the comprehensive plan criteria for amending the GFLUM. He stated that staff recommended approval of the amendment and rezoning.

After Council discussion, Jim Westmoreland, Transportation Department Director responded to inquiries about street crossing access and stated that after the completion of the proposed development staff would look at traffic conditions to determine if any changes were warranted.

Councilmember Johnson moved adoption of the ordinance amending Chapter 30, Zoning Planning and Development, Section 30-1-10, Relation to the Comprehensive Plan, to consider an amendment to the Connections 2025 Comprehensive Plan Generalized Future Land Use Map (Figure 4-2) of the property located on the east side of Yanceyville Street between Lees Chapel road and Kenior Street. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, and Phillips. Noes: None.

06-18 AMENDING THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN

AN ORDINANCE AMENDING THE GENERALIZED FUTURE LAND USE MAP OF THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN, INCORPORATED BY REFERENCE IN THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT CHAPTER 30, SECTION 30-1-10

WHEREAS, the City Council adopted the *Greensboro Connections 2025 Comprehensive Plan* on May 6, 2003 which contains a Generalized Future Land Use Map, and is labeled Figure 4-2; and

WHEREAS, an amendment to that as shown on the attached map to change the land use classification from Low Residential to Moderate Residential for a portion of the property located on the east side of Yanceyville Street between Lees Chapel Road and Kenion Street; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO, NORTH CAROLINA, that the Generalized Future Land Use Map Figure 4-2 is amended as follows:

Section 1. The Generalized Future Land Use Map Figure 4-2 is hereby amended as shown on the attached map.

Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 3. This ordinance shall become effective on February 7, 2006.

(Signed) Yvonne J. Johnson

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Councilmember Bellamy-Small moved adoption of the ordinance rezoning from RS-12 Residential Single Family to Conditional District-RM-8 Residential Multifamily for property located on the east side of Yanceyville Street between Lees Chapel Road and Kenion Street and stated that the Greensboro City Council believes that its action to approve the zoning amendment, located on Yanceyville Street from RS-12 to CD-RM-8, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest because 1) Reinvestment/infill goal: promote sound investment in Greensboro's urban areas, including neighborhoods; 2) Policy 4C.1: promote new forms of compact development; 3) Policy 6A.2: promote mixed-income neighborhoods; and 4) Policy 6C: promote the diversification of new housing stock to meet the needs of all citizens for suitable, affordable housing. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson and Phillips. Noes: None.

06-19 AMENDING OFFICIAL ZONING MAP

EAST SIDE OF YANCEYVILLE STREET BETWEEN LEES CHAPEL ROAD AND KENION STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from RS-12 Residential Single Family to Conditional District – RM-8 Residential Multifamily (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the eastern right-of-way line of Yanceyville Street, said point being the southwest corner of Diocese of N.C. Protestant as recorded in Deed Book 3679, Page 1251 in the Office of the Guilford County Register of Deeds; thence along the line of said Diocese of N.C. Protestant S87°32'58"E 1493.23 feet to a point; thence S07°53'27"W 157.59 feet to a point; thence S12°29'15"W 436.34 feet to a point; thence N79°42'22"W 367.71 feet to a point; thence S86°46'29"E 387.59 feet to a point; thence N25°48'41"W 96.16 feet to a point; thence N25°49'25"W 40.76 feet to a point; thence N89°14'47"W 248.21 feet to a point; thence N87°50'58"W 318.33 feet to a point in the eastern right-of-way line of Yanceyville Street; thence along said right-of-way line N18°24'36"W 21.56 feet to a point; thence N04°48'35"E 51.52 feet to a point; thence N04°24'02"E 276.17 feet to the point and place of BEGINNING, as shown on City of Greensboro, N.C. Engineering & Inspections Department Rezoning Map for Yanceyville Street Property, dated 12-01-05.

Section 2. That the rezoning of RS-12 Residential Single Family to Conditional District – RM-8 Residential Multifamily is hereby authorized subject to the following use limitations and conditions:

- 1) Townhomes designed for sale.
- 2) Maximum number of townhomes shall be 130.
- 3) Access limited to one curb cut out on Yanceyville Street.
- 4) Limited to two stories in height.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on the date of adoption.

(Signed) T. Dianne Bellamy-Small

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30, Section 30-1-10, relation to the Comprehensive Plan, to consider an amendment to the Connections 2025 Comprehensive Plan Generalized Future Land Use Map (Figure 4-2) from the Industrial/Corporate Park to the Mixed Use Corporation Park land use classification for a portion of the property located on the west side of Regional Road North and north side of Airport Center Drive between Business Park Drive and Bentley Road; and an Ordinance rezoning from Corporate Park to Conditional District—RM-12 Residential Multifamily for property located on the west side of Regional Road North and north side of Airport Center Drive between Business Park Drive and Bentley Road.

Mr. Hails reviewed the proposal, presented a context map and photographs to describe the subject property and surrounding property, read conditions attached to the proposed ordinance; and noted the Zoning Commission had recommended approval of the zoning.

Mayor Holliday asked if anyone wished to be heard.

Henry Isaacson, attorney with offices at 101 West Friendly Avenue and representing American Express Travel Related Services Company, Inc., owner of the property, and Portrait Homes, developer with a contract to purchase the property, spoke in favor of the request. At Mr. Isaacson's request, Councilmember Gatten moved to add the following condition to the proposed ordinance: "10) The proximity of Piedmont Triad International Airport and nearby properties which are zoned for industrial and corporate park uses shall be disclosed to all purchasers of homes within the development as follows: as a part of the developer's recorded declaration of covenants and restrictions; within any purchase contract between developer and initial purchaser, and on any recorded plat of the subject property." The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

For illustrative purposes only, Mr. Isaacson reviewed information, including a map showing this property to be outside the noise cone for the airport, maps of the area's roadway system, a site plan and aerial photographs to illustrate the site location, photographs to illustrate the type of townhomes proposed in this development and the requests from the owner for the plan changes and rezoning. He spoke to the proposed buffer for the development, and noted the proposed townhomes would provide housing for people who worked in the corporate park. He stated that this was a reasonable request to allow the developer to provide a limited number of homes near businesses, spoke to meetings with neighbors and their support of the project, advised the development would become a part of the corporate park and stated that the amendment and zoning were supported by staff and the Zoning Commission.

Jim Howard, Piedmont Properties, spoke in favor of the amendment and rezoning; he stated he believed the development would be compatible with the area and would provide citizens with a place to live and work. He spoke to meetings between members of the Airport Center Association and the developer and noted that most of the property owners supported this development. He used a map to illustrate the property owned by an individual he represented.

Philip Segal, residing at 1002 Chatfield Drive and owner of property in the area, spoke in opposition to the amendment and rezoning. He expressed concern that he was not aware of the public hearing or plans for development, advised that he was not familiar with the Airport Center Association, stated he believed the changes would have a negative impact on his property value and the flexibility to offer potential tenants options for use of the property, and requested Council to deny both the amendment and rezoning. Council discussed with Mr. Segal the location of his property and the differences between the current and proposed zoning.

In rebuttal in support, Mr. Howard reiterated the support of this amendment and rezoning by business owners in the area. After the City Attorney cautioned that Council could only consider the clients represented by Mr. Howard, he noted that he represented the clients in the Airport Center Association.

In rebuttal in support, Mr. Isaacson reiterated conditions were added as a safeguard, spoke to the proposed development, and noted the development would provide homes for employees of the nearby businesses.

In rebuttal in opposition, Mr. Segal used a map to illustrate the location of his property, and offered his thoughts about the negative impact these changes would have on his property and on individuals who will live in the new development.

Councilmember Bellamy-Small moved to close the public hearing. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

Stating the property was located near the airport but outside the noise cone, Mr. Hails noted a buffer would be provided for the proposed development and an additional buffer would be provided for the industrial development. He advised that this request provided an opportunity for mixed use development in the area, the proposed development followed the current trend for homes to be located near the workplace, property was still available for development as LI, and the development would be compatible for the surrounding property and would provide ideal mixed use for the area.

Members of Council discussed various opinions with regard to the amendment and rezoning request; i.e., the small size of the property would not significantly impact property available for businesses, people need places to live near their workplace, etc. Councilmember Carmany reiterated the need to have property available for businesses to locate near the airport, and expressed concern that rezoning this property to residential would take property currently available for business.

Councilmember Gatten moved to adopt the ordinance amending Chapter 30, Section 30-1-10, relation to the Comprehensive Plan, to consider an amendment to the Connections 2025 Comprehensive Plan Generalized Future Land Use Map (Figure 4-2) from the Industrial/Corporate Park to the Mixed Use Corporate Park land use classification for a portion of the property located on the west side of Regional Road North and north side of Airport Center Drive between Business Park Drive and Bentley Road. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Gatten, Groat, Holliday, Johnson and Phillips. Noes: Carmany.

06-20 AMENDING THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN

AN ORDINANCE AMENDING THE GENERALIZED FUTURE LAND USE MAP OF THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN, INCORPORATED BY REFERENCE IN THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT CHAPTER 30, SECTION 30-1-10

WHEREAS, the City Council adopted the *Greensboro Connections 2025 Comprehensive Plan* on May 6, 2003 which contains a Generalized Future Land Use Map, and is labeled Figure 4-2; and

WHEREAS, an amendment to that as shown on the attached map to change the land use classification from Industrial/Corporate Park to Mixed Use Corporate Park for a portion of the property located on the west side of Regional Road North and north side of Airport Center Drive between Business Park Drive and Bentley Road; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO, NORTH CAROLINA, that the Generalized Future Land Use Map Figure 4-2 is amended as follows:

Section 1. The Generalized Future Land Use Map Figure 4-2 is hereby amended as shown on the attached map.

Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 3. This ordinance shall become effective on February 7, 2006.

(Signed) Florence F. Gatten

.....

Councilmember Phillips moved adoption of the ordinance, as amended, rezoning from Corporate Park to Conditional District - RM-12 Residential Multifamily for property located on the west side of Regional Road North and north side of Airport Center Drive between Business Park Drive and Bentley Road and stated that the Greensboro City Council believes that is action to approve the zoning amendment, located on Airport Center Drive from CP to CD-RM-12, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest because of the following factors: 1) Growth at the Fringe Goal: provide a development framework for the fringe that guides sound, sustainable patterns of land use, limits sprawl...and provides for efficient provision of public services and facilities as the City expands.; 2) Policy 4C.1: Actively promote new forms of compact development to include..pedestrian scale development and mixed-use; and Policy 4G.1: promote compact development. The motion was seconded by Councilmember Gatten; the motion was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Gatten, Groat, Holliday, Johnson and Phillips. Noes: Carmany.

06-21 AMENDING OFFICIAL ZONING MAP

WEST SIDE OF REGIONAL ROAD NORTH AND NORTH SIDE OF AIRPORT CENTER DRIVE BETWEEN BUSINESS PARK DRIVE AND BENTLEY ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from Corporate Park to Conditional District – RM-12 Residential Multifamily (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the western right-of-way line of Regional Road North, said point being in the line of Austern Bryars of London, Inc. as recorded in Deed Book 3553, Page 1923 in the Office of the Guilford County Register of Deeds; thence along said western right-of-way line S24°38'17"E 265.17 feet to a point; thence continuing along said right-of-way line a curve to the right a chord bearing and distance S24°40'26"E 83.06 feet (radius = 4543.66 feet) to a point; thence along a curve to the right a chord bearing and distance S23°03'07"E 174.16 feet (radius = 4543.66 feet) to a point; thence along a curve to the right a chord bearing and distance S21°10'22"E 123.87 feet (radius = 4543.66 feet) to a point at the intersection with the northern right-of-way line of Airport Center Drive; thence along said northern right-of-way line the following five courses and distances and six curves: 1) S41°54'21"W 45.19 feet to a point; 2) S83°04'19"W 10.00 feet to a point; 3) S06°55'41"E 4.82 feet to a point; 4) S83°04'19"W 33.94 feet to a point; 5) a curve to the right with a chord bearing and distance N81°57'26"W 177.71 feet (radius = 343.97 feet) to a point; thence 6) N66°59'11"W 172.52 feet to a point; thence 7) a curve to the left a chord bearing and distance N82°43'21"W 248.17 feet (radius = 457.51 feet) to a point; thence 8) along a curve to the left a chord bearing and distance S68°25'40"W 207.57 feet (radius = 457.51 feet) to a point; thence 9) along a curve to the left a chord bearing and distance S50°59'02"W 69.14 feet (radius = 457.51 feet) to a point; thence 10) a curve to the right a chord bearing and distance S72°17'11"W 386.77 feet (radius = 426.60 feet) to a point; thence 11) a curve to the left a chord bearing and distance N81°58'19"W 41.79 feet (radius = 475.00 feet) to a point at the southeastern corner of Lot 19, "Airport Center, Section 6" as recorded in Plat Book 73, Page 86; thence along the eastern line of said Lot 19 the following two courses and distances: 1) N05°30'23"E 508.75 feet to a point; 2) N05°30'23"E 139.65 feet to a point in a southern line of said Austen Bryars of London, Inc.; thence along said southern line S87°07'49"E 537.49 feet to a point; thence N74°32'31"E 480.68 feet to the point and place of BEGINNING, as shown on The Airport Center Section 3 prepared by Regional Land Surveyors, Inc. and dated 11-14-05.

Section 2. That the rezoning of Corporate Park to Conditional District – RM-12 Residential Multifamily is hereby authorized subject to the following use limitations and conditions:

- 1) Uses shall be limited to townhome dwellings and accessory uses.
- 2) The total number of dwelling units shall not exceed 129.
- 3) No building shall exceed two (2) stories in height as viewed from the front of the buildings.
- 4) All townhomes shall have attached garages.
- 5) All townhomes shall be designed for sale.

- 6) There shall be no trash compactor and no dumpster located on the property other than for the purpose of collection and removing construction debris.
- 7) The community will be serviced by a private solid waste hauler.
- 8) The developer will provide 5 foot sidewalks on both sides of all internal streets.
- 9) Along the northern boundary line of the subject property, Developer shall establish and maintain a minimum 25 foot wide landscape buffer consisting of a staggered, double row of Leyland Cypress and/or evergreen trees, such trees to have a minimum height of 6 feet and planted a maximum of 8 feet on center.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on the date of adoption.

(Signed) Thomas M. Phillips

.....

Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30, Zoning, Planning and Development, Section 30-1-10, Relation to the Comprehensive Plan, to consider an amendment to the Connections 2025 Comprehensive Plan Generalized Future Land Use Map (Figure 4-3) from the low Residential to the High Residential land use classification for a portion of the property located on the northwest side of Fore Place east of Pinecroft Road; and an ordinance rezoning from General Business to RM-18 Residential Multifamily for property located on the northwest side of Fore Place east of Pinecroft Road.

Mr. Hails reviewed the proposal and stated there was no opposition to the items; presented a context map and photographs to describe the subject property and surrounding area; stated the rezoning contained no conditions and advised the Zoning Commission recommended approval.

Mayor Holliday asked if anyone wished to be heard.

Joe Kupiec, residing at 324 East Greenway Drive North, spoke in favor of the amendment and the rezoning and stated this would be infill development because the property was currently not being used. For illustrative purposes, he spoke to plans to develop townhomes on the property to match those located on the adjacent property and the desire to maintain trees on the property. Mr. Kupiec stated that, in his opinion, this property was not suitable for business due to its location on a dead-end road.

There being no additional speakers, Councilmember Johnson moved to close the public hearing. The motion was seconded by Councilmember Barber and adopted unanimously by voice vote of Council.

Mr. Hails stated that the Comprehensive Plan supported infill development and diverse housing, that this was a good location for mixed use and that staff supported the amendment and rezoning.

Councilmember Johnson moved adoption of the ordinance amending Chapter 30, Zoning, Planning and Development, Section 30-1-10, Relation to the Comprehensive Plan, to consider an amendment to the Connections 2025 Comprehensive Plan Generalized Future Land Use Map (Figure 4-3) from the low Residential to the High Residential land use classification for a portion of the property located on the northwest side of Fore Place east of Pinecroft Road. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, and Phillips. Noes: None.

06-22 AMENDING THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN

AN ORDINANCE AMENDING THE GENERALIZED FUTURE LAND USE MAP OF THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN, INCORPORATED BY REFERENCE IN THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT CHAPTER 30, SECTION 30-1-10

WHEREAS, the City Council adopted the *Greensboro Connections 2025 Comprehensive Plan* on May 6, 2003 which contains a Generalized Future Land Use Map, and is labeled Figure 4-2; and

WHEREAS, an amendment to that as shown on the attached map to change the land use classification from Industrial/Corporate Park to Mixed Use Corporate Park for a portion of the property located on the west side of Regional Road North and north side of Airport Center Drive between Business Park Drive and Bentley Road; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO, NORTH CAROLINA, that the Generalized Future Land Use Map Figure 4-2 is amended as follows:

Section 1. The Generalized Future Land Use Map Figure 4-2 is hereby amended as shown on the attached map.

Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 3. This ordinance shall become effective on February 7, 2006.

(Signed) Yvonne J. Johnson

.....

Councilmember Carmany moved adoption of the ordinance rezoning from General Business RM-18 Residential Multifamily for property located on the northwest side of Fore Place east of Pinecroft Road and stated that the Greensboro City Council believes that its action to approve the zoning amendment, located on Fore Place from GB to RM-18, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest because of the following factors: 1) Reinvestment/infill goal: promote sound investment in Greensboro's urban areas, including neighborhoods; 2) Policy \$C.1: promote new forms of compact development; 3) Policy 6A.2: promote mixed income neighborhoods; and 4) Policy 6C: promote the diversification of new housing stock to meet the needs of all citizens for suitable, affordable housing. The motion was seconded by Councilmember Bellamy-Small; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson and Phillips. Noes: None.

06-23 AMENDING OFFICIAL ZONING MAP

NORTHWEST SIDE OF FORE PLACE EAST OF PINECROFT ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from General Business to RM-18 Residential Multifamily uses for the area described as follows:

BEGINNING at a point in the southeast corner of Tax Map 462, Block 2, Lot 28 and the northeast corner of Tax Map 462, Block 2, Lot 8, said point also being in the line of Tax Map 462, Block 2, Lot 9; thence along the line of said Lot 9 S03°48'30"E 91.6 feet to a point, said point being in the northern right-of-way line of Fore Place; thence along said northern right-of-way line S48°28'30"W 24.38 feet to a point; thence continuing along said right-of-way line S55°11'W 114.39 feet to a point, said point being a corner of Tax Map 462, Block 2, Lot 7; thence along the line of said Lot 7 N20°03'W 105.86 feet to a point; thence N00°27'W 92.79 feet to a point, said point being the

southwest corner of said Lot 28; thence along the line of said Lot 28 in an easterly direction 142.35 feet to the point and place of BEGINNING.

Section 2. This ordinance shall be effective on the date of adoption.

(Signed) Sandra G. Carmany

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Councilmember Bellamy-Small moved adoption of the Consent Agenda. The motion was seconded by Councilmember Barber; the Consent Agenda was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson and Phillips. Noes: None.

16-06 RESOLUTION AUTHORIZING THE MERGER OF SUMMERFIELD'S NEWLY APPROVED ABC SYSTEM WITH THE CITY OF GREENSBORO ABC BOARD

WHEREAS, there presently exists an Alcoholic Beverage Control system which serves the City of Greensboro, North Carolina that is governed by a Board of Alcoholic Control ABC Board as provided for in Chapter 291 of the 1951 North Carolina Session Laws, as amended;

WHEREAS, the Board and the governing bodies of the City of Greensboro and the Town of Summerfield ("Town") have each determined that it is in the public interest to have a Consolidated System in The City of Greensboro ("Greensboro") as permitted by the merger provisions of Chapter 18B of the General Statutes of North Carolina;

WHEREAS, the powers of the Board shall be those specified in Chapter 18B of the General Statutes of North Carolina as amended;

WHEREAS, it is contemplated that the Town of Summerfield as a municipality located within Guilford County does desire to establish ABC store(s) within the municipal limits of the Town of Summerfield and become part of the Greensboro ABC System;

WHEREAS, the Greensboro ABC Board and the Town of Summerfield will jointly examine the location and placement of the initial proposed ABC Store within the Town on property adjacent to Highway US 220 with appropriate vehicular access for the general site location to Highway US 220; however, the final decision as to placement location of such ABC Store within the Town will be made by the Greensboro ABC Board. Any additional store locations will be reviewed and examined on a case by case basis by both parties;

WHEREAS, the Consolidated System of Greensboro and Summerfield will generate greater revenues for each participating municipality (as well as Guilford County, which will share in the net proceeds of Greensboro and Summerfield) than would separate systems inasmuch as considerable savings are achieved through combined managerial, administrative, financial, warehousing, and law enforcement functions;

WHEREAS, the Greensboro ABC system maintains separate records for each ABC store in the end that the gross revenues, expenses and net revenues for each store and the combined store(s) within the Town of Summerfield may be readily determined. The Greensboro ABC Board will retain 30% of the profits and the remaining amount will be distributed to the town of Summerfield. All net profits derived from Summerfield ABC store(s), after distributions required by state and federal law, are to be distributed on a quarterly basis to the governing body of Summerfield in which the store(s) generating such profit is located.

The Summerfield ABC store(s) will become a part of the Greensboro ABC system. The governing body of the town of Summerfield shall appoint one (1) ex officio member to the Greensboro ABC Board to serve a three (3) year term as a non-voting member of such board. The appointee must be a resident of Summerfield, and must be known for his or her good character, ability, and business acumen, and may serve a maximum of two three-year terms commencing on July 1 of the first year and ending on June 30 of the third year, except and provided the first

Summerfield appointee shall serve an interim term from date of appointment until June 30, 2006 and upon re-appointment or new appointment every three (3) years thereafter.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the merger of Summerfield's newly approved ABC System with the Greensboro ABC System as set out herein is hereby approved.

2. That the North Carolina Alcoholic Beverage Control Commission is hereby requested to approve said merger under the terms and conditions set out above.

3. That either the Town of Summerfield or the Greensboro ABC Board may withdraw and terminate the merger agreement at the end of five (5) years or both parties may agree to extend the merger agreement upon mutual consent. At any other time, the merger agreement may be dissolved with the approval of the North Carolina Alcoholic Beverage Control Commission.

4. That in the event of termination and withdrawal from the merger by either party, the Greensboro ABC Board shall appoint an independent Certified Public Accountant (CPA) or a CPA firm to conduct an audit of the financial records of the Consolidated System and make a determination as to those assets and/or liabilities which are attributed to the Greensboro Consolidated ABC Board and the Town of Summerfield, respectively.

(Signed) T. Dianne Bellamy-Small

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06-24 AN ORDINANCE CHANGING NAME OF STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the following street name change is hereby authorized to become effective immediately:

PRESENT NAME

Wiley Davis Road

PORTION

From its present intersection with
West Vandalia Road southwestward
to its present intersection with
McCuiston Road

NEW NAME

West Vandalia Road

(Signed) T. Dianne Bellamy-Small

.....

06-25 AN ORDINANCE CHANGING NAME OF STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the following street name change is hereby authorized to become effective immediately:

PRESENT NAME

McCuiston Road

PORTION

From its present intersection with
West Vandalia Road eastward
to its present intersection with
Wiley Davis Road

NEW NAME

West Vandalia Road

(Signed) T. Dianne Bellamy-Small

.....

06-26 AN ORDINANCE CHANGING NAME OF STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the following street name change is hereby authorized to become effective immediately:

PRESENT NAME
West Vandalia Road

PORTION
From its present intersection with
McCuiston Road northeastward
to the Urban Loop Thoroughfare

NEW NAME
Vandalia Court

(Signed) T. Dianne Bellamy-Small

.....

17-06 RESOLUTION LISTING LOANS AND GRANTS FOR CITY COUNCIL APPROVAL

WHEREAS, at its March 1st meeting City Council the City Manager was instructed to include on the regular Council Consent Agenda all loans and grants in excess of \$10,000;

WHEREAS, City Council approval is required for all loans and grants, or pass through loans or grants in excess of \$10,000 on the recommendation of agencies, non-profits, or other organizations acting on behalf of the City prior to the disbursement of funds;

WHEREAS, requests have been made for loans in excess of \$10,000, said requests are presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the requests for loans in excess of \$10,000 presented herewith this day are hereby approved in accordance with the guidelines set at the March 1, 2005 council meeting.

(Signed) T. Dianne Bellamy-Small

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18-06 RESOLUTION DIRECTING THE CITY TAX COLLECTOR TO ADVERTISE LIENS ON REAL ESTATE FOR DELINQUENT, SUBSTANDARD STRUCTURE CHARGES, WATER RENTS AND NUISANCE ABATEMENT CHARGES FOR THE YEAR 2005

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Tax Collector be and is hereby directed to prepare and publish, in accordance with law, a list showing: (1) the names of all persons by whom substandard structure charges, water rents and nuisance abatement charges are due and (2) the amount of each such substandard structure charge, solid waste charge, water rent or nuisance abatement charge. Such publication shall commence not earlier than March 5, 2006.

2. That the City Tax Collector be and is hereby directed to cause the publication of the above-mentioned list on the NEWS AND RECORD.

3. That, in addition to following the foreclosure method prescribed by G.S. 105-374, the City Tax Collector be and is hereby authorized to institute the In rem method of foreclosure pursuant to G.S. 105-375.

(Signed) T. Dianne Bellamy-Small

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19-06 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING PURCHASE OF PROPERTY OF
BURGERBUSTERS III, LLC KNOWN AS TACO BELL FOR THE BRIDFORD PARKWAY
SIDEWALK IMPROVEMENTS

WHEREAS, in connection with the Bridford Parkway sidewalk improvements project, the property owned by Burgerbusters III, LLC, Tax Map No. 1-28-892-24 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$58,500.00, which appraisal, in the opinion of the City Council, is fair and reasonable;

WHEREAS, the owner has agreed to convey said property to the City at the appraised price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appraisal of the above mentioned portion of property in the amount of \$58,500.00 is hereby approved, and the purchase of the property in accordance with the appraisal is hereby authorized, payment to be made from Account No. 441-6003-19.6012 Activity #01084.

(Signed) T. Dianne Bellamy-Small

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The Mayor introduced an ordinance amending Chapter 10 of the Greensboro Code of Ordinances with respect to Fire Prevention and Protection.

After brief comments by the City Manager that this action would make the Coliseum smoke free and allow the Managing Director to provide an exterior area for smokers.

Matt Brown, Managing Director of the Coliseum, spoke to current, inadequate smoking area located inside the Coliseum and described the proposed location for an exterior smoking area for patrons of the facility. In response to Council inquiry, he stated if the ordinance was adopted it would be effective in time for the Atlantic Coast Conference. Mr. Brown expressed appreciation to the Legal Department for their assistance in working with the North Carolina Legislators to enable this change.

After the Mayor expressed appreciation to Councilmember Carmany for her assistance, Councilmember Johnson moved adoption of the ordinance. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson and Phillips. Noes: None.

06-27 AMENDING CHAPTER 10

AN ORDINANCE AMENDING CHAPTER 10 OF THE GREENSBORO CODE OF ORDINANCES WITH
RESPECT TO FIRE PREVENTION AND PROTECTION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Section 10-6 (a)(9) be revised to read as follows:

(9) Seating areas, adjacent aisles, public restrooms, public concourses, and plaza entrances of the Coliseum Arena facility; provided, that where appropriate signage has been displayed, smoking shall only be permitted in exterior areas designated by the Coliseum Managing Director. ~~the two (2) "designated areas" as hereinafter defined. The "designated areas" are defined to be:~~

a. ~~The indoor area located beneath the main concourse at the north end of the Coliseum Arena measuring approximately thirty six (36) feet wide by one hundred twenty (120) feet length, including the adjoining alcoves immediately adjacent thereto and comprising a total area of approximately five thousand (5,000) square feet; and~~
b. ~~The outdoor area located beneath the main concourse at the northeast corner of the Coliseum Arena measuring approximately thirty two (32) feet wide by one hundred sixty two (162) feet in length, including the adjoining alcoves immediately adjacent thereto, and comprising a total area of approximately five thousand two hundred (5,200) square feet.~~
(b) ~~Placarding required. Every person having control of premises upon which smoking or the carrying of lighted objects is prohibited by or under the authority of this section shall conspicuously display upon the premises signs reading "Nonsmoking Area—Smoking Prohibited by Law." Such signs must be of standard size and lettering approved by the fire inspector.~~

Section 2. That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective March 1, 2006.

(Signed) Yvonne J. Johnson

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Mayor Holliday introduced a resolution requesting construction funding for the Greensboro Eastern Urban Loop from US 70 to US 29 (U-2525B) in the 2007-2013 Transportation Improvement Program.

After Councilmember Carmany noted that State funding for this portion of the loop had been removed, she noted this resolution was to urge the North Carolina Department Of Transportation to restore this portion of the loop to the construction schedule and funding, Councilmember Johnson moved its adoption. The motion was seconded by Councilmember Bellamy-Small. After the vote had been recorded, Councilmember Phillips noted that he had inadvertently not voted as he had intended; the Clerk was instructed to clear the board. The motion was thereupon adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson and Phillips. Noes: None.

20-06 RESOLUTION REQUESTING CONSTRUCTION FUNDING FOR THE GREENSBORO
EASTERNURBAN LOOP FROM US 70 TO US 29 (U-2525B) IN THE 2007–2013 TRANSPORTATION
IMPROVEMENT PROGRAM

WHEREAS, completion of the Greensboro Urban Loop is a key priority for the City of Greensboro;

WHEREAS, the construction schedule for future sections of the Greensboro Urban Loop including the Eastern Urban Loop from US 70 to US 29 (U-2525B) slipped from mostly funded to unfunded/post year between the adoption of the 2004-2010 Transportation Improvement Program and the current 2006 – 2012 Transportation Improvement Program;

WHEREAS, The City has identified U-2525B as the highest priority link for Urban Loop completion;

WHEREAS, U-2525B is critical to future economic development, community mobility and accessibility;

WHEREAS, U-2525B will enhance transportation safety and congestion management and will be a part of future I-785, an important asset to the Region and State;

WHEREAS, From a constructability standpoint, U-2525B appears to be in a position to move forward in view of its current status in the project development process;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the City request NCDOT fund construction of the Greensboro Eastern Urban Loop from US 70 to US

29 (U-2525B) in the 2007-2013 Transportation Improvement Program with construction beginning as soon as possible within the 2007-2013 timeframe.

(Signed) Yvonne J. Johnson

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After the Mayor introduced a resolution approving bid in the amount of \$695,924 and authorizing Contract No. 2005-043 with Triangle Grading and Paving, Inc. for the Burnt Poplar Road Improvements Project, Councilmember Carmany moved its adoption. The motion was seconded by Councilmember Bellamy-Small; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson and Phillips. Noes: None.

21-06 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2005-043 WITH TRIANGLE GRADING AND PAVING, INC. FOR THE BURNT POPLAR ROAD IMPROVEMENTS PROJECT

WHEREAS, after due notice, bids have been received for the Burnt Poplar Road improvements project;

WHEREAS, Triangle Grading and Paving, Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$695,924.00 as general contractor for Contract No. 2005-043, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Triangle Grading and Paving, Inc. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$695,924.00 from Account No. 555-6509-01.6014.

(Signed) Sandra G. Carmany

(A tabulation of bids for the Burnt Poplar Road Improvements Project is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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Mayor Holliday introduced a resolution in support of the PGA Golf Tournament.

Lee Porter, 2311 East Cone Boulevard, Suite 150; and George House, Board of Directors, Jaycees Charitable Foundation, requested Council to adopt the resolution. Mr. Porter spoke to financial impact of the tournament on Greensboro and noted his personal experiences as a player in the PGA (Professional Golfers Association). Mr. House stated that, in his opinion, a sponsor would be determined for the tournament, spoke to the financial impact of this on the community and the millions of dollars donated to charity, and requested Council to approve the resolution.

Councilmember Gatten moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson and Phillips. Noes: None.

22-06 RESOLUTION IN SUPPORT OF THE PGA GOLF TOURNAMENT

WHEREAS, on January 13, 2006 the PGA Tour announced the dates for its inaugural FedEx Cup Schedule and beginning in 2007, the Carolina Classic at Greensboro (the "CCG") will be the last event prior to a season-ending 4 tournament Championship Series and will be held on the dates of August 13 to 19 in 2007;

WHEREAS, in October, 2005, the Greensboro Jaycees Charitable Foundation, Inc. entered into an agreement with the PGA Tour to demonstrate the community's commitment to the tournament by providing financial support for its annual entitlement and television underpinning commitment of \$6,250,000.00 each for years 2007-2010;

WHEREAS, the Foundation agreed to provide an irrevocable standby letter of credit in the aggregate amount of \$21,000,000.00;

WHEREAS, at present, the Foundation has asked the City to provide financial support for one third of the remaining \$4,000,000.00 which would mean a maximum amount of \$333,400.00 per year assuming no sponsorship, which is highly unlikely;

WHEREAS, any sponsorship funds will offset the \$333,400.00 on a proportional basis for all supporters;

WHEREAS, this expression of public support was an important factor in the PGA Tour's ultimate decision and the City desires to express and affirm such support.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the City expresses its support by assuring its intent for annual consideration in a total amount not in excess of \$333,400.00 for each of the years 2007 to 2010.

(Signed) Florence F. Gatten

.....

Mayor Holliday introduced a resolution accepting a gift of art from the Greensboro Merchants Association. After brief discussion, Councilmember Bellamy-Small moved its adoption. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson and Phillips. Noes: None.

23-06 RESOLUTION ACCEPTING A GIFT OF ART FROM THE GREENSBORO MERCHANT ASSOCIATION

WHEREAS, in January the Greensboro Merchant Association (GMA) celebrated its 100th anniversary serving the businesses and citizens of Greensboro;

WHEREAS, to celebrate and commemorate this event, the Association has engaged a local artist to develop a piece of artwork that it would like to gift to the City;

WHEREAS, the gift mural of Nathaniel Greene, the namesake of our City, will be erected upon the upper portion of the Davie Street Deck which is owned by the City located at the corner of Friendly Avenue and Davie Street facing the Center City Park.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the City Manager is hereby authorized to enter into an Agreement accepting a gift of art from the Greensboro Merchant Association.

(Signed) T. Dianne Bellamy-Small

* * * * *

Mayor Holliday introduced the following resolution, a copy of which had been provided to each Councilmember, which was read by title:

RESOLUTION AMENDING A RESOLUTION ENTITLED:
“RESOLUTION PROVIDING FOR THE ISSUANCE OF
\$10,000,000 GENERAL OBLIGATION STREET IMPROVEMENT
BONDS, SERIES 2006” TO CHANGE THE AMORTIZATION SCHEDULE
FOR SAID BONDS AND TO MAKE CERTAIN OTHER MINOR CHANGES

WHEREAS, on January 24, 2006, the City Council of the City of Greensboro, North Carolina (the “City Council”) duly passed a resolution entitled “RESOLUTION PROVIDING FOR THE ISSUANCE OF \$10,000,000 GENERAL OBLIGATION STREET IMPROVEMENT BONDS, SERIES 2006” (the “Resolution”); and

WHEREAS, the amortization schedule for said bonds set forth in the Resolution does not comply with Section 159-65 of the North Carolina General Statutes; and

WHEREAS, it is necessary to amend the Resolution to change such amortization schedule and to make certain other minor changes; now, therefore,

BE IT RESOLVED by the City Council of the City of Greensboro:

Section 1. The table of initial Amortization Requirements contained in the definition of the term “Amortization Requirement” in Section 101 of the Resolution is hereby amended to read as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2017	\$220,000	2022	\$ 220,000
2018	220,000	2023	220,000
2019	220,000	2024	2,820,000
2020	220,000	2025	2,820,000
2021	220,000	2026	2,820,000

Section 2. Section 202 of the Resolution is hereby amended by changing the first sentence of the second paragraph of the Form of Bonds set forth therein to read as follows:

“This Bond is one of an issue of bonds designated “General Obligation Street Improvement Bonds, Series 2006” (the “Bonds”) and issued by the City for the purpose of providing funds, together with any other available funds, for financing street improvements for the City and this Bond is issued under and pursuant to The Local Government Bond Act, as amended, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina, an order duly adopted by the City Council for the City, which order was approved by the vote of a majority of the qualified voters of the City who voted thereon at a referendum duly called and held, and a resolution duly adopted by said City Council on January 24, 2006, as amended by a resolution duly adopted by said City Council on February 7, 2006 (collectively, the “Resolution”).”

Section 3. Section 202 of the Resolution is hereby amended by changing the mandatory redemption schedule in the twenty-fourth paragraph of the Form of Bonds set forth therein to read as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2017	\$220,000	2022	\$ 220,000
2018	220,000	2023	220,000
2019	220,000	2024	2,820,000
2020	220,000	2025	2,820,000
2021	220,000	2026*	2,820,000

Section 4. This resolution shall take effect immediately upon its passage.

Thereupon the City Attorney stated that she had approved said resolution as to form.

Upon motion of Councilmember Sandra G. Carmany, seconded by Councilmember Thomas M. Phillips, the resolution entitled: "RESOLUTION AMENDING A RESOLUTION ENTITLED: 'RESOLUTION PROVIDING FOR THE ISSUANCE OF \$10,000,000 GENERAL OBLIGATION STREET IMPROVEMENT BONDS, SERIES 2006' TO CHANGE THE AMORTIZATION SCHEDULE FOR SAID BONDS AND TO MAKE CERTAIN OTHER MINOR CHANGES" was passed on roll call vote as follows:

Ayes: Councilmembers Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson and Phillips.

Noes: None.

The Mayor thereupon announced that the resolution entitled: "RESOLUTION AMENDING A RESOLUTION ENTITLED: 'RESOLUTION PROVIDING FOR THE ISSUANCE OF \$10,000,000 GENERAL OBLIGATION STREET IMPROVEMENT BONDS' TO CHANGE THE AMORTIZATION SCHEDULE FOR SAID BONDS AND TO MAKE CERTAIN OTHER MINOR CHANGES" had passed by a vote of 8 to 0.

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Members of Council discussed various events and items of interest to the community, including the appointment of members and creation of a 10-year initiative to end homelessness.

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Councilmember Bellamy-Small moved that Brenda Cogdell be appointed to serve a term on the Community Resource Board in the position formerly held by James Borden; this term will expire 15 August 2007. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

Councilmember Bellamy-Small requested Council to consider beginning a neighborhood planning process in the Phillips Avenue and Glenwood neighborhoods. Council discussion was held with regard to prior and current neighborhood commitments, the financial impact these above planning processes would have on the budget, and the concern that neighborhood expectations should not be raised if no funds were available to implement recommendations. The Manager advised that after staff had determined the financial impact of these planning processes, information would be provided to Council. Councilmember Bellamy-Small requested that staff discuss with citizens of the two above communities what actions the neighborhoods could take on their own without City assistance.

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Mayor Holliday requested that the Housing and Community Development Director determine if any federal money could be used to assist with the preservation of the Bond-McAlister House (Fleming Road area).

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Councilmember Johnson moved that the City Council adjourn to Closed Session for the purpose of discussing an economic development incentive. The motion was seconded by Councilmember Barber and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 10:05 P.M.

KEITH A HOLLIDAY
MAYOR

JUANITA F. COOPER
CITY CLERK
